

Remarks

Reconsideration of this application is respectfully requested. The claims have been amended without adding new matter. These amendments are made to place the application in condition for allowance, or to lessen the issues on appeal.

Withdrawn claims 28-35 are canceled herein. The independent claim is claim 22. New claims 46-48 are added. Accordingly, claims 22-27 and 37-48 are pending.

Support for amending claim 22 to refer to the coding region is found *inter alia*, in the legend to Figure 1; support for amending claim 22 to refer to the hybridization conditions is found, *inter alia*, in the specification at the bottom of page 5, continuing onto page 6.

New claims 46-48 are added that recite that the plant grown from the transformed plant cells has a reduced height, and a delayed or absent inflorescence development which can be reversed by the application of GA₃. Support for these claims is found, *inter alia*, in Example 5.

The Information Disclosure Statement

When the Information Disclosure Statement was filed on September 26, 2003, Applicants submitted both a copy of JP 9000069, but also, a copy of an English language abstract of JP 9000069, as printed from the Derwent "World Patents Index" database. The Examiner considered the English language abstract. The Examiner lined-through only the full-length Japanese version of the document and stated that the English language statement of relevance was not provided. Reconsideration is respectfully requested.

MPEP 609.04(a)III states "Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation." Accordingly, Applicants respectfully submit that Applicants have fulfilled the requirement for a concise explanation, and that the IDS and all its requirements were properly and timely submitted.

Additionally, in the interests of advancing prosecution, Applicants submit the following English language statement of relevance for JP 9000069. JP 9000069 is believed to disclose a method for increasing yields of plants belonging to the genus *Phaseolus* by scattering a gibberellin biosynthesis inhibiting type plant growth regulating agent onto the stems and leaves of the plants during the period starting from the pollen mother cell forming period to the keel curving period or during the flowering period.

Accordingly, consideration of JP 9000069 is respectfully requested.

Written Description

Claims 22-24 and 37-45 are rejected under 35 U.S.C. § 112, first paragraph for lack of written description, for the reasons of record previously set forth in the Office Action mailed March 10, 2006. Applicants respectfully traverse this rejection.

However, in the interest of advancing prosecution, Applicants have amended independent claim 22. Claim 22 now characterizes the nucleic acid by its ability to hybridize to the complement of the coding region of SEQ ID NO: 1 under the recited stringent conditions, as well as encoding a polypeptide that has gibberellin 2-oxidase activity. Accordingly, it is believed that this rejection may be withdrawn.

Enablement

Claims 22-24 and 37-45 are rejected under 35 U.S.C. § 112, first paragraph for lack of enablement, for the reasons of record previously set forth in the Office Action mailed March 10, 2006. Applicants respectfully traverse this rejection.

The Examiner states that the specification is enabling for a plant or plant cell transformed with a vector comprising SEQ ID NO:1 encoding SEQ ID NO:2, or a nucleic acid molecule encoding SEQ ID NO:2, wherein the nucleic acid molecule is operably linked to a promoter, wherein the transformed plant has a reduced height, and a delayed or absent inflorescence development which can be reversed by the application of GA₃.

In the interest of advancing prosecution, Applicants have amended independent claim 22. Claim 22 now characterizes the nucleic acid by its ability to hybridize to the complement of the coding region of SEQ ID NO: 1 under the recited stringent conditions, as well as encoding a polypeptide that has gibberellin 2-oxidase activity.

Applicants have removed the language from claim 22 that recited that the polypeptide was expressed at a level sufficient to inhibit growth in a plant grown from the transformed plant cells as claim 22 is now refers to sequences that are highly related by stringency to SEQ ID NO: 1, and by the enzyme activity that is expressed.

Instead, new claims 46-48 are added that recite that the plant grown from the transformed plant cells has a reduced height, and a delayed or absent inflorescence development which can be reversed by the application of GA₃.

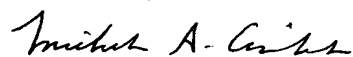
Accordingly, it is believed that this rejection may be withdrawn.

Conclusion

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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